

listless folks new pep, vigor, and vim, and end that lazy sluggish feeling. The article was not capable of fulfilling the promises of benefit stated and implied.

DISPOSITION: November 7, 1950. Default decree of condemnation. Following the entry of the decree, the court ordered that the product be destroyed.

3337. Misbranding of Chase Formula. U. S. v. 7 Cases \* \* \*. (F. D. C. No. 30325. Sample No. 81874-K.)

LIBEL FILED: December 6, 1950, Southern District of Florida.

ALLEGED SHIPMENT: On or about April 24, 1950, by the Chase Laboratory, from Detroit, Mich.

PRODUCT: *Chase Formula*. 7 cases, each containing 12 cartons and each carton containing a 2-ounce bottle, of the product at Miami, Fla. Examination disclosed that the product was a perfumed emulsion of oil and water, containing not more than 1 percent of alcohol.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the labels of the article and in an accompanying circular entitled "A New Achievement in Laboratory Science" were false and misleading since the article was not effective in the treatment or prevention of the diseases or conditions of the body stated and implied, and contained not more than 1 percent of alcohol. The statements represented and suggested that the article contained 25 percent of denatured alcohol; that it would be effective in the treatment and prevention of impetigo, Florida sores, body lice, many types of eczema and other skin afflictions caused by external infection, muck itch, and mango poisoning; and that it would relieve the itching and burning of hives and shingles.

DISPOSITION: January 12, 1951. Default decree of condemnation and destruction.

3338. Misbranding of Gyro-Lator reducing devices. U. S. v. 1 C. F. L. foot and leg unit, etc. (F. D. C. No. 29746. Sample Nos. 33711-K to 33718-K, incl.)

LIBEL FILED: September 26, 1950, Northern District of California.

ALLEGED SHIPMENT: On or about September 28, 1948, December 7, 12, and 19, 1949, and January 4 and February 10, 1950, by Gyrolator Division of Aciform Corp., at Chicago, Ill.

PRODUCT: 1 C. F. L. foot and leg unit, 2 Gyro Slim belts, 1 No. 6 saddle, 1 No. 9 chair, 2 Gyro Trim chairs, 3 A. T. C. treatment tables, 1 DF manual applicator for the face, and 3 DX manual applicators for the body, at Sacramento, Calif., in the possession of Gyro-ucing Salon, together with a placard entitled "Introducing The Famous Gyro-ucing," a booklet entitled "Gyro-ucing Method Directions For The Use of Gyrolator Units," 600 pamphlets entitled "Tip To Toe Figure Beauty," and 1,600 cards entitled "Cheer Up! Reduce! Relax!"

Each of the devices contained an electric motor connected to it so that the device would produce a vibration or oscillation.

NATURE OF CHARGE: Misbranding, Section 502 (a), the placards, booklets, pamphlets, and cards accompanying the devices contained certain statements which were false and misleading. These statements represented and suggested that the devices were effective in bringing about a reduction in weight, producing a slim figure, retaining youth, erasing lines, and producing good health

and vitality, whereas the devices were not effective for such purposes. The devices were misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

**DISPOSITION:** October 27, 1950. Leslie D. Ray, Sacramento, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the printed matter be destroyed and that the devices be released under bond to the claimant for relabeling, under the supervision of the Food and Drug Administration.

✓ **3339. Misbranding of Hollywood Vita-Rol devices. U. S. v. 3 Devices. (F. D. C. No. 29962. Sample No. 67831-K.)**

**LIBEL FILED:** November 1, 1950, District of Utah.

**ALLEGED SHIPMENT:** On or about September 15, 1950, by the S & D Engineering Co., from Glendale, Calif.

**PRODUCT:** 3 *Hollywood Vita-Rol devices* and a number of leaflets entitled "Reduce Relax Relieve" and other leaflets entitled "Hollywood Vita-Rol Instruction" at Salt Lake City, Utah. Examination disclosed that the device consisted of an electrically heated roller covered with corrugated rubber.

**LABEL, IN PART:** "Hollywood Vita-Rol Model A 125 Volts 76 Watts."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the leaflets accompanying the device were false and misleading since the device was not effective for the purposes represented and was not an effective treatment for the conditions represented. The statements represented and suggested that the device was effective for spot reducing, and that it was effective as a body conditioner and as a treatment for muscular soreness, poor circulation, constipation, and insomnia.

**DISPOSITION:** February 5, 1951. Default decree of condemnation. The court ordered that the devices be delivered to the Food and Drug Administration, to be used as exhibits in connection with its work.

#### DRUG FOR VETERINARY USE

**3340. Action to enjoin and restrain the interstate shipment of Eureka Poultry Mixture. U. S. v. Edwin C. Singers (Eureka Poultry Food Mfg. Co.).** Consent decree granting injunction. (Inj. No. 231.)

**COMPLAINT FILED:** November 15, 1950, Eastern District of Illinois, against Edwin C. Singers, trading as the Eureka Poultry Food Mfg. Co., East St. Louis, Ill.

**NATURE OF CHARGE:** The defendant had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce, at East St. Louis, Ill., consignments of a drug which was labeled, in part, "Eureka Poultry Mixture Eureka Poultry Mixture is a compound composed of Red Iron Oxide and Hydrated Lime. Not less than 74% Calcium, not less than 10% Iron Oxide, not less than .5% Phosphorus."

The complaint alleged that the article was adulterated and misbranded in the following respects:

Adulteration, Section 501 (c), the strength of the article differed from that which it was represented to possess since it contained less than 74% of calcium, less than 10% of iron oxide, and less than .5% of phosphorus.

Misbranding, Section 502 (a), certain statements in accompanying leaflets entitled "Don't Depend on Luck" were false and misleading since the article